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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,356	02/26/2002	Shuichi Hisatomi	P 290742 T4YK-01S0957-1	2771
7590	11/20/2006			EXAMINER WENDMAGEGN, GIRUMSEW
Pillsbury Winthrop LLP 1600 Tysons Boulevard McLean, VA 22102			ART UNIT 2621	PAPER NUMBER

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/082,356	HISATOMI ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Girumsew Wendmagegn	2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 February 2002.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/3/06;10/27/06;2/26/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1, 6-11, 13-14, and 18-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Asada et al. (patent number US 6,272,286).

Regarding Claim1, Asada et al. anticipates an information recording/reproducing apparatus for recording and playback video information, comprising: means for assembling video packs (Fig.23); means for assembling video object unit using video packs, (see column18 lines 24-28); and means for coordinating the content of the copy control information with the content of the video scrambling control information when the video object unit is assembled (see Figure23 and column 18 line 20-28).

Regarding Claim6, Asada et al. anticipates the apparatus according to claim1, wherein said coordinating means detects copy-related information contained in said input source and determines the content of said copy control information in a unit control pack on the basis of the contents of the detected copy-related information (see Figure 25 and column 18 lines 62-67).

Regarding claim7, Asada et al. anticipates coordinating means rearranges the content of said video scrambling control information so as to authorize copying when the content of the detected copy-related information authorizes copying but prohibit copying when the contents of the detected copy-related information authorizes copying only once or prohibit copying (see Figure 17).

Regarding claim8, Asada et al anticipates an information processing data format defines a video object formed by assembling video object units and the attribute information on the attributes of a video object so as to make the attribute information containing copy-related information for the video object (column6 lines 23-40); and said coordinating means has: means for making a majority decision by determining if the copy control information contained in each of the plurality of unit control packs in a video object authorizes or prohibits copying(see figure 17); and means for determining the contents of the copy control information for the video object on the basis of the majority decision (see column 19 line 40-column20 line34).

Regarding claim9, The apparatus according to claim1, wherein an information processing format further defines video object formed by assembling video object units and the attribute information on the attributes of a video object so as to make the attribute information containing copy-related information for the video object (see column23 lines 58-60); and said coordinating means has: means for detecting if the copy control information contained in each of the plurality of unit control packs in a video object authorizes or prohibits copying(see figure 11); and means for determining the contents of the copy related information for the video object so as to prohibit copying if copy control information prohibiting copying is detected(see figure 11 and 17).

Regarding claim10, the apparatus according to claim9, wherein said information processing data format further defines a file formed by assembling a plurality of video objects and the attribute information on the attributes of a file so as to make the attribute information containing copy-related information for the file and when a file contains an object, said coordinating means provides copy-related information for the file with contents the same as those of the copy-related information for the file containing said object ( see column12 lines 28-31 and column23 lines 58-60).

Regarding claim11, the apparatus according to claim9, wherein said information processing data format further defines a file formed by assembling a

plurality of video objects and the attribute information on the attributes of a file so as to make the attribute information containing copy-related information for the file; and when a file contains a plurality of objects and the contents of the copy-related information for any of said plurality of objects authorize copying, said control means provides copy-related information for the file with contents also authorizing copying ( see column12 lines 28-31 and column23 lines 58-60).

Regarding claim13, Asada et al. anticipates an information processing data format further defines a video object formed by assembling video object units (see Figure 3); and said apparatus further comprises means for recording video objects on a hard disk or an optical disk (see figure 21).

Regarding claim14, Asada et al. anticipates method for coordinating copy control information processed by information recording/reproducing apparatus for recording and playback video information, comprise steps of: assembling video pack; assembling video object unit; coordinating the content of the copy control information with the content of the video scrambling control information when the video object unit is assembled (see figure 24 and column 19 lines 12-40).

Regarding claim18, Asada et al. anticipates the method according to claim14, wherein said coordinating step including step of: detecting the copy-related information contained in said input source; and determining the contents

of said copy control information in a unit control pack on the basis of the contents of the detected copy-related information (see Figure 17 and column 15 line 42 – column 16 line 1-34).

Regarding claim19, Asada et al. anticipates the method according to claim18 wherein said coordinate step including step of: arranging the contents of said video scrambling control information, so as to authorize copy when the contents of the detected copy-related information authorizes copying but prohibits copying when the contents of the detected copy related information authorizes copying only once or prohibits copying (See figure 17).

Regarding claim20, Asada et al. anticipates the method according to claim14, wherein said information processing format further defines a video object formed by assembling video object units and an attribute information on the attributes of a video object so as to make the attribute information containing copy-related information for the video object (see column23 lines 58-65); said coordinating step including step of: making a majority decision by determining if the copy control information contained in each of the plurality of unit control packs in a video object authorizes or prohibits copying; and determining the contents of the copy-related information for the video object on the basis of the majority decision( see figure 12 )

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*TIG  
11/11/06*

*Claims 2-5, 12, and 15-17 are*  
*Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over*  
Asada et al. (patent number 6,370,321) as applied to Claim 1, 6-11, 13-14, and 18-20 above, and further in view of Ogawa et al. (patent number US 5,787,179)

Regarding claim 2, see the teaching of Asada et al above. Asada does not teach coordinating the content of the video scrambling control information of the video packs with the content of the audio scrambling control information of the audio pack. However Ogawa teaches coordinating the content of the video scrambling control information of the video packs with the content of the audio scrambling control information of the audio pack (see figure 4).

One of ordinary skill in the art at the time the invention was made would have been motivated to coordinate scrambling control information's of audio and video pack as described by Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding claim3, see the teaching of Asada et al above. Asada does not teach coordinating means coordinates the content of the video scrambling control information of the video packs with the content of the sub picture scrambling control information of the sub picture pack. However Ogawa teaches coordinates the content of the video scrambling control information of the video packs with the content of the sub picture scrambling control information of the sub picture pack (see figure4).

One of ordinary skill in the art at the time the invention was made would have been motivated to coordinate scrambling control information's of sub picture pack and video pack as described by Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding Claim4, See the teaching of Asada et al. Asada teaches said coordinating means determines the contents of said copy control information in a unit control pack, using the content of the video scrambling control information contained in the pack header of a video pack when the video pack is input as input source (see column 21 line 5-21)

Regarding claim5, See the teaching of Asada et al. Asada does not teaches video scrambling control information, said audio scrambling control information and said sub picture scrambling control information are copy authorizing information or copy prohibiting information. However Ogawa teaches

scrambling control information is copy authorizing information or copy prohibiting information (see column4 lines 23-31).

One of ordinary skill in the art at the time the invention was made would have been motivated to use scrambling control information's as described by Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding claim12, see the teaching of Asada et al. above. Asada does not teach coordinating means includes means for scrambling video data and audio data on the basis of said video scrambling information and said audio scrambling information. However Ogawa teaches means for scrambling video data and audio data on the basis of said video scrambling information and said audio scrambling information (see figure 3 and column13 lines 23-27)

One of ordinary skill in the art at the time the invention was made would have been motivated to have means for scrambling video data and audio data on the basis of said video scrambling information and said audio scrambling information of Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding claim15, see the teaching of Asada et al above. Asada does not teach coordinating the content of the video scrambling control information of

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the video packs with the content of the audio scrambling control information of the audio pack. However Ogawa teaches coordinating the content of the video scrambling control information of the video packs with the content of the audio scrambling control information of the audio pack in same meaning (see figure4).

One of ordinary skill in the art at the time the invention was made would have been motivated to coordinate scrambling control information's of audio and video pack as described by Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding claim16, see the teaching of Asada et al above. Asada does not teach coordinating means coordinates the content of the video scrambling control information of the video packs with the content of the sub picture scrambling control information of the sub picture pack. However Ogawa teaches coordinates the content of the video scrambling control information of the video packs with the content of the sub picture scrambling control information of the sub picture pack in same meaning (see figure 4).

One of ordinary skill in the art at the time the invention was made would have been motivated to coordinate scrambling control information's of sub picture pack and video pack as described by Ogawa et al. in to Asada et al. recording system because it would make copy controlling much effective.

Regarding claim 17, Asada et al. teaches determining the contents of said copy control information in a unit control pack by using the contents of the video scrambling control information contained in the pack header of a video pack when the video pack is input as an input source (see column 21 line 5-21).

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Girumsew Wendmagegn

Examiner



THAI Q. TRAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
Thai Tran

Supervisory Patent